

## REMARKS

The present amendment is submitted after allowance under 37 CFR 1.312. Claim 21 is herein amended to correct a formal matter. The limitation “and, optionally, E” is deleted because there is no antecedent basis for element in claim 1.

New claim 26 is the same as previously presented claim 21 from the Preliminary Amendment dated January 24, 2006. New claim 26 depends from, and therefore incorporates all the limitations of allowed claim 1.

Entry of these amendments is respectfully requested.

### **Comments on Reasons for Allowance Under 37 CFR. §1.104(e).**

Under 37 C.F.R. §1.104(e), reasons for allowance are intended only as a supplement to the “record as a whole” when that record is not clear and shall not be treated as a substitute for the record or in a manner inconsistent with the record. Therefore applicant accepts the PTO's reasons only to the extent that they are consistent with the record as a whole and does not accept any claim interpretation that is broader or narrower than that afforded by the record as a whole prior to the examiner's statement of reasons for allowance. As to all claims for which the basis for allowance is otherwise clear from the record, no further limitation can be inferred from the examiner's statement under Rule 104(e).

The PTO's reasons for allowance are directed toward Neppi et al. (WO 2002/044235), hereafter “Neppi”. However Hoffmann *et al.* (U.S. 5,326,820), hereafter “Hoffmann”, is not mentioned. As set forth in Applicants' Amendment of July 14, 2009, Hoffman does not teach a polyester equivalent to component (B) of claim 1, which has from 30 to 70 % by weight of cycloaliphatic structural units, and Hoffman is silent on the Tg of the polyacrylate disclosed therein. Also, Hoffmann requires that the polyaddition resin (A2) (polyacrylate) is formed in the presence of polycondensation resin (A1) (polyester) (Abstract, col. 2, lines 55-58, and col. 6, lines 6-11), while present claim 1 requires that the polyacrylate and polyester be prepared *separately*.

As always, the Examiner is encouraged to contact the Undersigned by telephone if direct conversation would be helpful.

Respectfully Submitted,

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